

Pursuant to Rule 83.3(f)(3) of the Local Rules of the United States District Court for the Southern District of California, notice is hereby given to all parties and their counsel of record that on June 2, 2015 in Department 4C of the U.S District Court for the Southern District of California, located at 221 West Broadway, in San Diego, California 92101, the undersigned attorney hereby requests that Gaston & Gaston, A Professional Law Corporation (and attorneys appearing for Gaston & Gaston, APLC – Frederick W. Gaston, SBN 231179), currently listed as counsel of record for Defendants/Counterclaimants HDDC Holdings, LLC, Kannaway, LLC, and General Hemp, LLC (“Defendants/Counterclaimants”) be withdrawn as counsel for the aforementioned Defendants/Counterclaimants in this case for the following reasons:

1. Withdrawal by Gaston & Gaston, APLC will neither prejudice Defendants/Counterclaimants nor delay trial.
2. Gaston & Gaston, APLC has attempted to put a litigation plan in place on a number of occasions to facilitate the information and resolution necessary to competently represent the Defendants/Counterclaimants. No such plan has been followed or implemented by Defendants/Counterclaimants to date.
3. The Principals of Defendants/Counterclaimants have been notified by Gaston & Gaston, APLC on various occasions since February 2015 of the need for them to seek alternative or additional counsel to assist with this litigation. A number of meetings were held in person at Gaston & Gaston, APLC’s office and by

1 conference call with attorneys introduced to Defendants/Counterclaimants by
2 Gaston & Gaston, APLC, who expressed willingness to act as counsel or co-
3 counsel for Defendants/Counterclaimants in this action. Defendants/
4 Counterclaimants likewise expressed desire to retain such attorneys, yet failed to
5 act on various occasions to hire additional counsel.
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- 8 4. Counsel has had tremendous difficulty obtaining the information necessary from
9 the Principals of HDDC Holdings, General Hemp and Kannaway to defend the
10 allegations at hand, and prosecute the various claims of the Parties.
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- 12 5. Moreover, a disagreement in the direction of litigation has arisen, making
13 continued representation of Defendants/Counterclaimants by Gaston & Gaston,
14 APLC unfeasible.
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- 16 6. Additionally, Counsel has just been made aware that
17 Defendants/Counterclaimants and their agents have initiated discussions and
18 sent correspondence to Plaintiff and Counsel for Plaintiff without notice to
19 Gaston & Gaston, APLC and without allowing Gaston & Gaston, APLC to
20 participate in such discussions. Gaston & Gaston, APLC did not advise
21 Defendants/Counterclaimants on such communications. Such communications
22 without the knowledge of counsel undermine the attorney-client relationship.
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- 24 7. Therefore, Gaston & Gaston, APLC respectfully requests that the Court relieve
25 it as counsel of record for Defendants/Counterclaimants and permit
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1 Defendants/Counterclaimants time to secure new counsel.

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- 3 8. Additionally, Gaston & Gaston, APLC has notified Defendants/
- 4 Counterclaimants of its intent to seek relief as counsel in this action due to their
- 5 lack of meaningful participation. Gaston & Gaston, APLC has advised
- 6 Defendants/Counterclaimants, all of whom are corporate entities, that they are
- 7 unable to appear pro se in this matter pursuant to Southern District Local Civil
- 8 Rule 83.3(j). Defendants/Counterclaimants have been repeatedly encouraged by
- 9 this office to seek new or additional counsel to represent them in this matter.
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- 12 9. Gaston & Gaston, APLC served Consent Orders Granting Substitution of
- 13 Attorney on Defendants/Counterclaimants and their in house counsel on April
- 14 27, 2015, after numerous attempts to amicably transfer the case or bring on
- 15 additional counsel. Gaston & Gaston, APLC is not expecting to receive
- 16 executed substitution documents, thus necessitating the filing of this motion for
- 17 relief.
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- 20 10. Defendants/Counterclaimants were also mail served a Notice of Motion to
- 21 Withdraw as Attorney of Record at the addresses for their Agents for Service of
- 22 Process listed with the California Secretary of State (printouts of such
- 23 information are attached hereto as Exhibit A) via USPS Priority Mail on April
- 24 28, 2015. Additionally, Defendants/Counterclaimants were email served notice
- 25 of this motion on April 28, 2015 using the email addresses Gaston & Gaston,
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1 APLC regularly uses to communicate with the Principals of the entity parties.
 2 See Declaration of Frederick W. Gaston filed concurrently herewith pertaining
 3 to such service under Southern District Local Rule 83.3(f)(3)(b).
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5 11. A supplemental declaration detailing the disagreements between Gaston &
 6 Gaston, APLC and Defendants/Counterclaimants is available to be submitted to
 7 the Court under seal for *in camera* review if the Court requests additional
 8 evidentiary support.
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10 12. At this time, Gaston & Gaston, APLC believes the lack of constructive
 11 participation on behalf of the Defendants/Counterclaimants and the breakdown
 12 in communication between Gaston & Gaston, APLC and the
 13 Defendants/Counterclaimants makes it unfeasible for Gaston & Gaston, APLC
 14 to continue representing the Defendants/Counterclaimants further in this
 15 litigation.
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18 13. For the reasons detailed herein, Gaston & Gaston, APLC respectfully requests
 19 the Court grant its Motion and relieve Gaston & Gaston, APLC and Frederick
 20 W. Gaston as counsel of record for Defendants and Counterclaimants HDDC
 21 Holdings, LLC, Kannaway, LLC, and General Hemp, LLC.
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24 Respectfully Submitted,
 25 GASTON & GASTON
 26 A PROFESSIONAL LAW CORPORATION

27 DATED: April 28, 2015

28 BY: /s/ Frederick W. Gaston
 FREDERICK W. GASTON